

18-1038 LAND OF LINCOLN MUTUAL HEALTH V. UNITED STATES

DECISION BELOW: 892 F.3d 1184

LOWER COURT CASE NUMBER: 2017-1224

QUESTION PRESENTED:

This case involves the "risk corridors" program established by the Patient Protection and Affordable Care Act ("ACA"), 42 U.S.C. § 18062, which mandates that for the first three years of the ACA, the Government "shall pay" mathematically determined amounts to health insurers based on a statutory formula in order to induce them to participate in health insurance exchanges and to reduce the premiums they would otherwise charge.

In this case, the Federal Circuit held on the basis of legislative history that the Government's obligation to make risk corridors payments was extinguished by appropriations riders temporarily foreclosing certain sources of funds for the risk corridors program. The riders were included in spending bills enacted several years after the ACA was adopted - and after Petitioner had already performed its part of the bargain under the risk corridors program.

The Question Presented is: Whether a temporary cap on appropriations availability from certain specified funding sources may be construed, based on its legislative history, to abrogate retroactively the Government's payment obligations under a money-mandating statute, for parties that have already performed their part of the bargain under the statute.

CONSOLIDATED WITH 18-1023 AND 18-1028, AND A TOTAL OF ONE HOUR IS ALLOTTED FOR ORAL ARGUMENT.

CERT. GRANTED 6/24/2019